

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
NW/S Daniels Avenue		
770' NE of centerline Talbot Street	*	ZONING COMMISSIONER
1208 Daniels Avenue		
1st Election District	*	OF BALTIMORE COUNTY
1st Councilmanic District		
	*	CASE NO. 98-458-SPH
Dr. Valaparambil Sivan & Presanna Sivan	*	
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that improved property located at 1208 Daniels Avenue in the Catonsville section of Baltimore County. The Petition was filed by Dr. Valaparambil Sivan and Presanna Sivan, his wife, property owners. Special Hearing relief is requested to approve a nonconforming use of the subject property for a multi-family dwelling for five apartments in a DR5.5 zone. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing held for this case was Dr. Valaparambil Sivan, the property owner, William Schulman, Herbert Shenkelberg, Harlean Liebno, the contract purchaser Miss Charmira Johnson-Orr, and another tenant Joan Clark.

Evidence was submitted to show the property was properly advertised and posted and no one appeared in opposition to the petition at the hearing.

Exhibits presented in evidence additionally included composite pictures showing the property in the neighborhood, Petitioners' Exhibit 2; the 1984 deed by which Dr. and Mrs. Sivan purchased the property, Petitioners' Exhibit 3; the 1984 location survey at the time the property

ORDER RECEIVED FOR FILING
 Date 11/6/98
 By [Signature]

was purchased by Dr. and Mrs. Sivan showing the layout of the property including the improvements, Petitioners' Exhibit 4; and Petitioners' Exhibit 5 through 8 were affidavits for those witnesses in attendance to support the Petition for Special Hearing. Petitioners' Exhibit 5, the affidavit of Harlean Liebno, cited that the improvements on this property were built by her father, George Moxley, and were built with five apartments at the time of original construction. Miss Liebno lived in the property for a period of ten years from 1943 and recalls celebrating her tenth birthday in this structure where her family lived. When her family moved from this property, they moved to a house her father subsequently built nearby at 1200 Daniels Avenue where she lived until she married in 1959. At that time, as a wedding gift her father presented her with another house located at 1202 Daniels Avenue. She had resided in the neighborhood for a period continuously until she moved in 1980 after her mother died in 1979. Throughout that period, she recalled the property being used continuously for five apartments at 1208 Daniels Avenue and she further advised the Zoning Commissioner at the time of hearing that each apartment had a separate entrance, was served by separate utility meters, and each had its own separate kitchen and bathroom. Petitioners' Exhibit 6 was the affidavit of William Schulman who had resided in these premises continuously as a tenant from October of 1979 through the present and he confirmed his affidavit that the property had been continuously used for a multi-family dwelling as five apartments and had been continuously rented for the time period he had been there and that each unit had its own separate entrance, separate kitchen, and separate bathroom. Petitioners' Exhibit 7 was the affidavit of Herbert Shenkelberg, a real estate broker who had acted as agent for Dr. Sivan when he and his wife purchased the property in 1984. Mr. Shenkelberg, per his affidavit, had managed the property for Dr. Sivan and affirmed that they had been continuously rented and utilized as a five apartment multi-family dwelling from 1984 to the

ORDER RECEIVED FOR FILING

Date

By

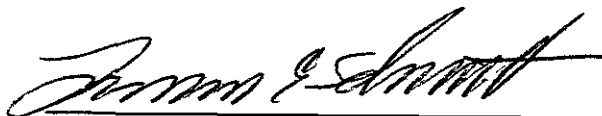
present and that each had its own separate entrance, separate kitchen, and separate bathroom. Petitioners' Exhibit 8 was the affidavit of Dr. Valaparambil Sivan who testified that the property had been advertised to him as a non-conforming use multi-family dwelling when he purchased it in 1984 and per his affidavit, that he had inspected the property to see that there were five dwelling units before he purchased it and that he had utilized the services of Herb Shenkelberg to manage the property from the time of purchase through the present and that it had been continuously rented and utilized for a five unit multi-family dwelling. He further affirmed that each of the units had its own separate entrance, separate kitchen, and separate bathroom.

On the above proffers and evidence submitted, the Petitioners have met their burden to show that pursuant to Baltimore County Zoning Regulations Section 101 that the property is a non-conforming use and have met their burden to show that the use existed prior to the adoption of the DR Zoning and that the same use has continued uninterruptedly from that date to the time of hearing. For these reasons and on the evidence submitted the Petition will be approved.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 16th day of July, 1998 that, pursuant to the Petition for Special Hearing for approval of a nonconforming use of the subject property, for a multi-family dwelling in a DR5.5 zone for five apartments, be and the same is hereby GRANTED; and,

IT IS FURTHER ORDERED that any appeal from this decision must be filed in writing within 30 days from the date of this order in this case.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

July 16, 1998

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NW/S Daniels Avenue, 770' NE of c/l Talbot Street
(1208 Daniels Avenue)
1st Election District - 1st Councilmanic District
Valaparambil Sivan, M.D., et ux - Petitioners
Case No. 98-458-SPH

Dear Mr. Tanczyn:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, reading "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Dr. & Mrs. Valaparambil Sivan
26 West Spring Way, Lutherville, Md. 21093

People's Counsel; Case Files





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1208 Daniels Ave., Catonsville, MD 21207

which is presently zoned D.R. 5.5

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

a multi - family dwelling as a non - conforming use pursuant to Baltimore County Zoning Regulations Section 104.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Legal Owner(s).

Dr. Valaparambil Sivan

(Type or Print Name)

Signature

Presanna Sivan

(Type or Print Name)

Signature

Attorney for Petitioner

Michael P. Tanczyn

(Type or Print Name)

Signature

Ste. 106, 606 Baltimore Ave.,

Address 410-296-8823 Phone No.

TOWSON, MD 21204

City State Zipcode

26 West Spring Way

Address

Phone No

Lutherville, MD 21093

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Michael P. Tanczyn, Esq.

Name

Ste. 106, 606 Baltimore Ave.

Address 410-296-8823 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

98-458-SPH

**DROP-OFF
NO REVIEW
5/27/98
KCL**

ORDER RECEIVED FOR FILING

Date

Revised 9/5/95

H. MALMUD & ASSOCIATES, INC.
100 CHURCH LANE
BALTIMORE, MARYLAND 21208

TELEPHONE 410 653-9511

ZONING DESCRIPTION
1208 DANIELS AVENUE
BALTIMORE COUNTY, MARYLAND

*Beginning on the NW/4 Daniels Ave, approx 770'
NE of centerline of Talbot St.*

BEING KNOWN AND DESIGNATED AS LOTS NUMBERED 36, 35, 34, 33, AND
THE WESTERNMOST HALF OF LOT 32 AS SHOWN ON PLAT NO. 4 OF "CATONSVILLE
MANOR" RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN
PLAT BOOK 6, FOLIO 160.

CONTAINING 9000 SQUARE FEET OR 0.21 OF AN ACRE OF LAND, MORE OR LESS.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE
CONVEYANCE OF TITLE.



HERBERT MALMUD
REGISTERED LAND SURVEYOR
MARYLAND # 7558

MAY 20, 1998

FILE: DESDANIL

98.458.5F1

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. 048790

DATE 5/27/98 ACCOUNT 001-6150

AMOUNT \$ 250.00 (WCR)

RECEIVED FROM: Michael P. Tanczyn

FOR: SPECIAL HEARING --- 1208 Daniels Avenue

Drop-Off --- No Review Item #458
Case #98-450-SPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

040388 5/27/1998 5/27/1998 16:51:02
5/28/1998 5/27/1998 16:51:02
5/28/1998 5/27/1998 16:51:02

5 MISCELLANEOUS CASH RECEIPT
Receipt # 060719
CR NO. 048790

250.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: 408-458-SPH
 1208 Daniels Avenue
 NW/SE Daniels Avenue, 770
 NE of Centerville/Talbot Street
 1st Election District
 1st Councilmanic District
 Legal Owner(s):
 Dr. Valapantoli Swan
 & Prasanna Swan

Special Hearing to approve a multi-family dwelling as a non-conforming use.
Hearing: Tuesday, July 7, 1998 at 7:00 a.m. in Room 407, County Courts Bldg., 401 Botley Avenue.

LAWRENCE E. SCHMIDT
 Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call (410) 867-3353.
 (2) For information concerning the file address hearing, Please Call (410) 867-3391.

8/356 June 18 4237422

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/18/, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/18/, 1998.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

RE: Case # 98-458-SPH
Petitioner/Developer:
(Dr. Valaparambil)
Date of Hearing/Closing:
(July 14, 1998)

**Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

**This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at _____**

1208 Daniels Ave. Baltimore, Maryland 21207 _____

The sign(s) were posted on _____ June 29, 1998 _____
(Month, Day, Year)

Sincerely,

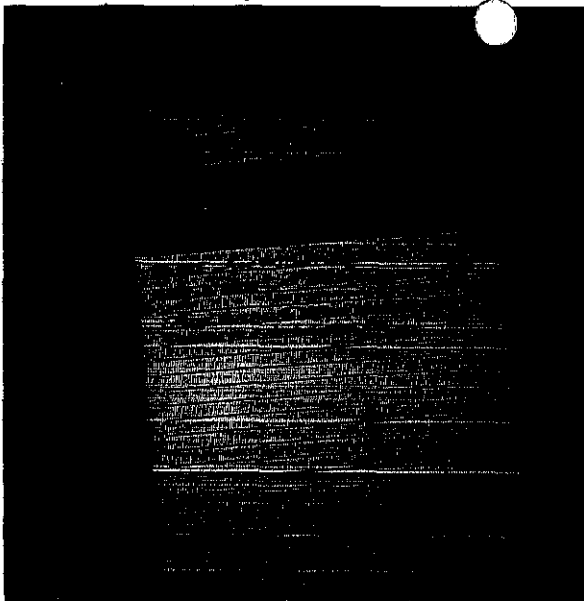

(Signature of Sign Poster & Date)

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ (410)-687-8405 _____
(Telephone Number)



RE: PETITION FOR SPECIAL HEARING
1208 Daniels Avenue, NW/S Daniels Ave., 770' NE
of c/l Talbot Street, 1st Election District, 1st
Councilmanic

Legal Owners: Dr. Valaparambil Sivin and
Presanna Sivan

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 98-458-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of June, 1998, a copy of the foregoing Entry of Appearance was mailed to Michael P. Tanczyn Esq., 606 Baltimore Avenue, Suite 106, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

TO: PATUXENT PUBLISHING COMPANY
June 18, 1998 Issue - Jeffersonian

Please forward billing to:

Michael P. Tanczyn, Esquire
Suite 106
606 Baltimore Avenue
Towson, MD 21204

410-296-8823

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-458-SPH

1208 Daniels Avenue

NW/S Daniels Avenue, 770' NE of centerline Talbot Street

1st Election District - 1st Councilmanic District

Legal Owner: Dr. Valaparambil Sivan & Presanna Sivan

Special Hearing to approve a multi-family dwelling as a non-conforming use.

HEARING: Tuesday, July 7, 1998 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



LAWRENCE E. SCHMIDT *me*

ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-
887-3391.

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 98-458-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: SPECIAL HEARING TO APPROVE A
MULTI-FAMILY DWELLING AS A
NON-CONFORMING USE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 9, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-458-SPH
1208 Daniels Avenue
NW/S Daniels Avenue, 770' NE of centerline Talbot Street
1st Election District - 1st Councilmanic District
Legal Owner: Dr. Valaparambil Sivan & Presanna Sivan

Special Hearing to approve a multi-family dwelling as a non-conforming use.

HEARING: Tuesday, July 7, 1998 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: Michael P. Tanczyn, Esquire
Dr. & Mrs. Valaparambil Sivan

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JUNE 22, 1998.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.**





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 7, 1998

Michael P. Tanczyn, Esq.
606 Baltimore Avenue, Suite 106
Towson, MD 21204

RE: Item No.: 458
Case No.: 98-458-SPH
Petitioner: Valaparambil Sivan
Location: 1208 Daniels Avenue

Dear Mr. Tanczyn:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on May 27, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs
Attachment(s)



AS
7/14

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: June 29, 1998

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

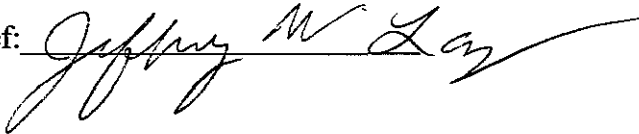
SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item No. 458, 473, 478, 484, 485, and 487

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3480.

Section Chief:



AFK/JL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: June 23, 1998

FROM: *pub* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for June 15, 1998
Item Nos. 442, 443, 444, 445, 450,
451, 452, 453, 454, 455, 457, 458,
459, 462, 463, 464, 465

Use Permit for Farmer's Roadside Stand
John D. Barone & Beverlae Barone
E/S York Road, 260' S of Sparks Road
(14943 York Road)

16844 Wesley Chapel Road
Case No. 98-381-SPHA

1820 Clearwood Road
Case No. 98-438-SPHA

Hereford Plaza
Case No. 97-308-SPHA

The Development Plans Review Division has reviewed the subject
zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM
FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM

DATE: 6/15/98

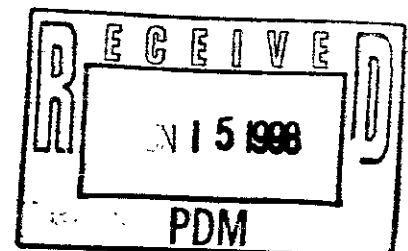
SUBJECT: Zoning Advisory Committee
Meeting Date: June 7

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:	441	453
	442	455
	443	457
	445	458
	450	459
	452	462

RBS:sp

BRUCE2/DEPRM/TXTS8P





Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

JUNE 12, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: Dr. Valaparambil Sivan and Presanna Sivan

Location: DISTRIBUTION MEETING OF June 8, 1998

Item No.: 458 Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 6-6-94
Item No. 458 WCR

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 5, 1998

Michael P. Tanczyn, Esquire
Suite 106, 606 Baltimore Avenue
Towson, MD 21204

RE: Zoning Verification
1208 Daniels Avenue
Plat Book 6, Folio 160, Lots 32-36
1st Election District

Dear Mr. Tanczyn:

Your letter to Arnold Jablon, Director of Permits and Development Management, has been referred to me for reply. The zoning of this site per the 1" = 200' scale zoning map number SW-1F is Density Residential (D.R.-5.5). As such, for the legal use of 5 apartments, the requirements of Section 402.1, Baltimore County Zoning Regulations (BCZR), must be met (copy enclosed). If compliance cannot be attained for 3 or more apartments, a petition for a special hearing to establish non-conforming use must be held.

Enclosed are the petition forms, as well as a self-explanatory sample procedural booklet.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John J. Sullivan, Jr.", is written over the typed name.

John J. Sullivan, Jr.
Planner II
Zoning Review

JJS:scj

Enclosure

c: Michael D. Johnson
Dr. & Mrs. Valaparambil Sivan

98-458-SPH





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 27, 1998

Michael P. Tanczyn, Esquire
606 Baltimore Avenue
Suite 106
Towson, MD 21204

RE: Drop-Off Petition (Item #458)
1208 Daniels Avenue
1st Election District

Dear Mr. Tanczyn:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

If you have any questions regarding the sign posting, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "WCR/scj".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures





Baltimore County
Department of Permits and
Development Management

*Bette
FYI*

ZC Copy

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

File

June 16, 1998

Michael P. Tanczyn, Esquire
606 Baltimore Avenue
Suite 106
Towson, MD 21204

RE: Case Number 98-458-SPH
Petitioner: Sivan
Location: 1208 Daniels Avenue

Dear Mr. Tanczyn:

The above matter, previously assigned to be heard on Tuesday, July 7, 1998 has been postponed at your request. The case has been rescheduled for Tuesday, July 14, 1998 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

Please be advised that, as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so.

The new hearing date and time should be affixed to the hearing notice sign posted on the property as soon as possible.

Very truly yours,


Arnold Jablon
Director

AJ:scj

c: Dr. & Mrs. Valaparambil Sivan



Law Offices
MICHAEL P. TANCZYN, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827
Computer Fax: (410) 296-2848

6/15/98
8
to WCR
D/K

June 11, 1998

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

RE: 1208 Daniels Avenue
Case No: 98-458-SPH

Unfortunately, we have a previous engagement in Court on July 7, 1998 at 9:00 a.m. for our case Thommen v. Hux and there is also a related case with this one particular case so it would be impossible for us to be in the hearing at 11:00 a.m.

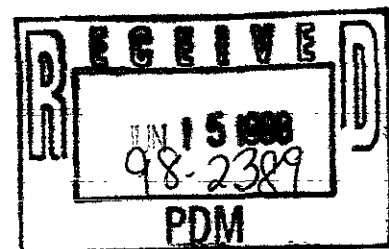
Please inform us of another date and time.

Very truly yours,


Michael P. Tanczyn

MPT: kc

cc: Herb Malmud
Herbert Schenkelberg
Dr. and Mrs. Sivan



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

Tues July 14, 1998 2PM

98-4583PH

1208 Daniels Ave

NAME

ADDRESS

Michael TANZYN

STE 106, 606 BALTIMORE Ave Towson Md 21204

HERBERT MALMUD

H. MALMUD & ASSO INC

21208
100 CHURCH LANE PIKEVILLE

Harlem B. Liebow

2370 Daniels Rd, Ellicott City, Md 21043

Harriet Schenkelberg

74 Arundel Beach Road, Annapolis Park, Md 21146

VALAPARAMBIL SIVAN

26 WESTSPRING WAY, LUTHERVILLE MD 21093

William Schulman

1208 Daniels Ave. Ba Ho, Md 21207

Chonemika N Johnson

1901-4 Scott Lane Ft. Meade Md 20855

Jean Clark

1208 Daniels Ave #2B Bal 21207



AFFIDAVIT

The undersigned, being over 18 years of age and on personal knowledge does make oath under due form of law that:

1. Prior to the time of entering a contract to purchase 1208 Daniels Avenue which he entered into October 2, 1984, he visited the property, inspected the property, and was aware that it was then being utilized for five apartments at 1208 Daniels Avenue.
2. He purchased the property in reliance on the contract representation of the sellers that the property was grandfathered as a non-conforming use, because its use as a multiple family dwelling had gone back to a time at least, if not prior to, 1954 as represented by the sellers in his contract aforesaid.
3. Since the time of his purchase, the property has continuously been rented for five apartments of his own personal knowledge and he has engaged Herbert Schenkelberg, of Herbert Schenkelberg Real Estate, to manage the properties for him, and to collect the rents and secure leases with various tenants.
4. The property has been continuously used for five apartment units from October 2, 1984, the date of his contract, through the present on a continuous and uninterrupted basis.
5. All the above facts are true.

WITNESS:

Mary Ann Rive

Valaparambil Sivaramakrishnan
Valaparambil Sivan

Dr. Valaparambil Sivaramakrishnan
a/k/a Dr. Valaparambil Sivan

State of Maryland, County of Baltimore, TO WIT:

I HEREBY CERTIFY, that before me, a Notary Public of the State aforesaid, personally appeared Dr. Valaparambil Sivaramakrishnan a/k/a Dr. Valaparambil Sivan, who made oath in due form of law this 23 day of April, 1998, after satisfactorily identifying himself that he executed the above Affidavit of personal knowledge and for the purpose stated.

WITNESS: my hand and Notarial Seal

Let No 8

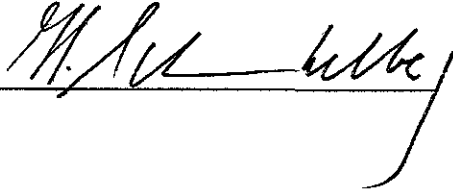
Joyce M. Howser
Notary Public
My Commission expires: JOYCE M. HOWSER
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires May 2, 2000


AFFIDAVIT

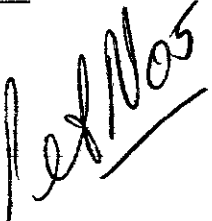
The undersigned, being over 18 years of age and on personal knowledge does make oath under due form of law that:

1. Her father, George T. Moxley, built the improvements known as 1208 Daniels Avenue, in Catonsville Manor, Baltimore County, Maryland, on Lots 32-36, Block 4 of Plat 4 of Catonsville Manor, recorded in Plat book WPC 6 folio 160.
2. The house as constructed, was constructed with five apartments and that her family resided in one of the dwelling units at 1208 Daniels Avenue from at least 1943 until 1953 and she clearly remembers celebrating her 10th birthday in the house and that she was born in 1938.
3. Her father always built every property to be multiple family dwellings; that when her family moved from this property they moved four lots down to a home he built at 1200 Daniels Avenue. From her personal knowledge, having lived in that same neighborhood continuously for 41 years, she can say that 1208 Daniels Avenue was originally constructed for five dwelling units as a multiple family building and was continuously used for the same number of apartments through the time when she left the community in 1980 and moved to her present residence after her mother had died in 1979. When she married in 1959, her father as a present to her had constructed a residence for her and her husband at 1202 Daniels Avenue, between 1200 Daniels Avenue and 1208 Daniels Avenue, all on property which had been owned by her father and mother, George T. Moxley and Mary Moxley.
4. Because she continuously lived in the neighborhood and for 41 years until sometime in 1980, she can say from personal knowledge that the five units at 1208 Daniels Avenue were continuously utilized for apartments throughout that time period and from the time that the improvements were first constructed, completed and occupied beginning in 1943.
5. All of the above facts are true.

WITNESS:



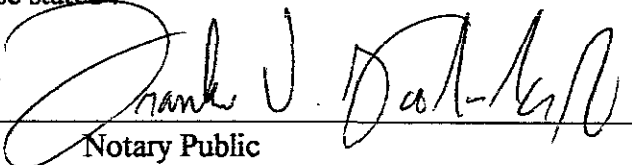

Harlean Liebno
2370 Daniels Road
Howard County, MD



State of Maryland, County of HOWARD, TO WIT:

I HEREBY CERTIFY, that before me, a Notary Public of the State aforesaid, personally appeared Harlean Liebno, who made oath in due form of law this 24th day of April, 1998, after satisfactorily identifying herself that she executed the above Affidavit of personal knowledge and for the purpose stated

WITNESS: my hand and Notarial Seal



Notary Public

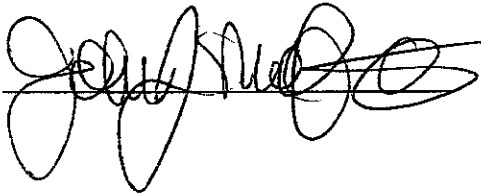
My Commission expires: FRANKLIN V. GOODRIDGE, JR.
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires February 25, 2002

AFFIDAVIT

The undersigned, being over 18 years of age and on personal knowledge does make oath under due form of law that:

1. He has been a tenant at 1208 Daniels Avenue from 1980 through the present.
2. For the time he has continuously been a tenant at 1208 Daniels Avenue, the structure was utilized and continuously rented as a multi-family building, housing five dwelling units and rented out to five separate tenants on a continuous basis for the time he has been there through the present.
3. All of the above facts are true.


WITNESS:

 William Schulman
William Schulman

State of Maryland, County of Baltimore, TO WIT:

I HEREBY CERTIFY, that before me, a Notary Public of the State aforesaid, personally appeared William Schulman, who made oath in due form of law this 22 day of April, 1998, after satisfactorily identifying himself that he executed the above Affidavit of personal knowledge and for the purpose stated.

WITNESS: my hand and Notarial Seal


Notary Public
My Commission expires: Oct 1, 1998

AGNES H. SCOTT
NOTARY PUBLIC
STATE OF MARYLAND
My Commission Expires Oct. 1, 1998

Ref No 6

AFFIDAVIT

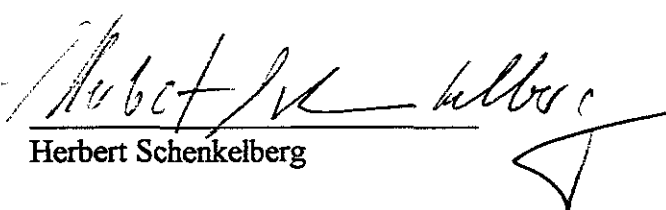
The undersigned, being over 18 years of age and on personal knowledge does make oath under due form of law that:

1. As a realtor, he assisted the purchaser in the purchase of 1208 Daniels Avenue which by contract October 2, 1984 conveyed the above property to Dr. and Mrs. Sivaramakrishnan. They purchased by Deed dated December 31, 1984. At the time the contract was negotiated, the property was used as a multiple family dwelling housing five separate apartment units at 1208 Daniels Avenue. Since the property was purchased by the present owners he has managed the 1208 Daniels Avenue for the present owners and from December 31, 1984 through the present and can state that the property has been continuously utilized as a multiple family dwelling housing five apartment units during that time which have been continuously rented throughout that period.
2. All of the above facts are true.

WITNESS:



Herbert Schenkelberg



State of Maryland, County of Baltimore, TO WIT:

I HEREBY CERTIFY, that before me, a Notary Public of the State aforesaid, personally appeared Herbert Schenkelberg, who made oath in due form of law this 22 day of April, 1998, after satisfactorily identifying himself that he executed the above Affidavit of personal knowledge and for the purpose stated.

WITNESS: my hand and Notarial Seal



Notary Public

My Commission expires: Oct 1 1998

AGNES H. SCOTT
NOTARY PUBLIC
STATE OF MARYLAND
My Commission Expires Oct. 1, 1998

Ref No 7

Together with the buildings and improvements thereupon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

To have and to hold the said described lots(s) of ground and premises, unto and to the use of the said Grantees, as tenants by the entireties, their assigns, the survivor of them and the survivor's personal representatives and assigns, in fee simple.

And the said Grantor covenants that it will warrant specially the property hereby granted and conveyed, and that it will execute such further assurances of said land as may be requisite.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

In Testimony Whereof, the said Grantor has caused its corporate seal to be hereto affixed, and its Vice-President to set his hand hereto.

WITNESS:

J. E. FISH & ASSOCIATES, INC.
By: [Signature] (SEAL)

J. E. FISH, JR., President

GES ASSOCIATES, A Maryland General Partnership

By: [Signature] (SEAL)

ROBERT W. SARSITIS, General Partner

By: [Signature] (SEAL)

DAVID D. EASH, General Partner

By: [Signature] (SEAL)

RICHARD E. GILBREATH, General Partner

State of Maryland, Baltimore County, TO WIT:

I HEREBY CERTIFY, that on this 31 day of December, 1984, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared J. E. FISH, JR., who acknowledged himself to be the President of the Grantor Corporation, and that he, as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing, in my presence, the name of the said corporation by himself as such officer, and certified that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the Grantor Corporation.

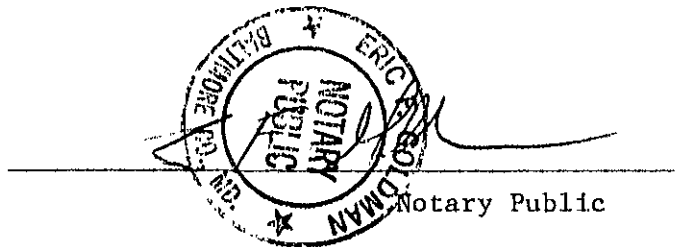
WITNESS: my hand and Notarial Seal

[Signature]
Notary Public
My Commission expires July 1, 1986

STATE OF MARYLAND, County of Baltimore, TO WIT:

I HEREBY CERTIFY, that on this 31 day of December, 1984, before me, a Notary Public of the State aforesaid, personally appeared ROBERT W. SARSITIS, General Partner of GES ASSOCIATES, DAVID D. EASH, General Partner of GES ASSOCIATES and RICHARD E. GILBREATH, General Partner of GES ASSOCIATES known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, who signed the same in my presence, and acknowledged that they executed the same for the purposes therein contained.

WITNESS: my hand and Notarial Seal.



My Commission Expires: July 1, 1986

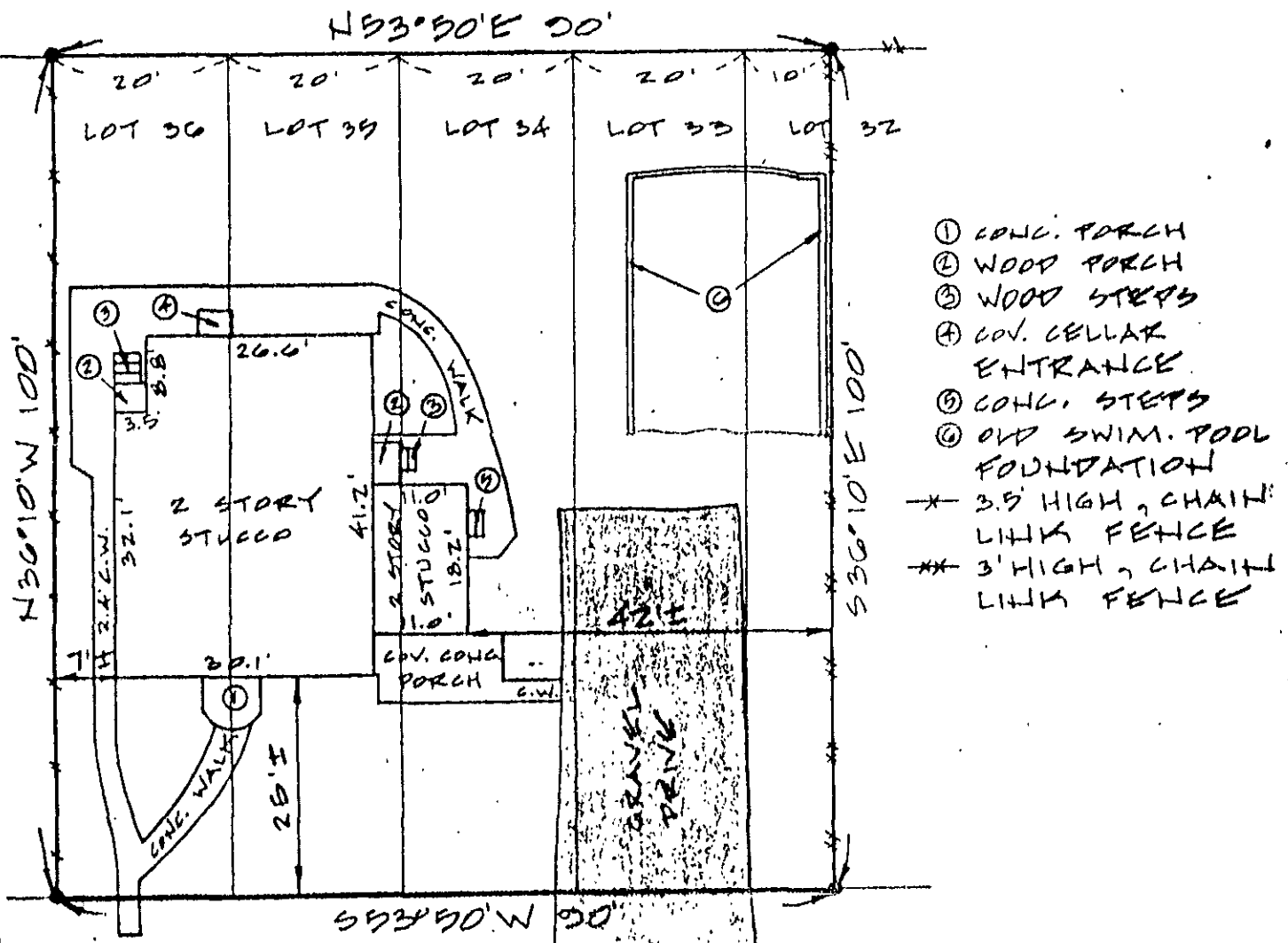
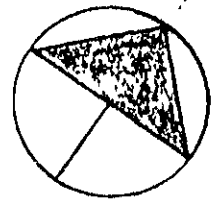
B RC/F 16.00
B T TX 500.00
B DOCS 500.00
DEED 0 #
EHK JR T 1016.00
#87724 C004 R01 T12:21
01/16/85

Rec'd for record JAN 16 1985 at 12²¹ PM
Per Elmer H. Kahline, Jr., Clerk
Made to Nationwide Title Co.
Receipt No. 1600

I HEREBY CERTIFY THAT THE POSITION OF ALL THE EXISTING IMPROVEMENTS SHOWN ON THE BELOW DESCRIBED PROPERTY HAS BEEN CAREFULLY ESTABLISHED BY FIELD SURVEY AND ARE LOCATED AS SHOWN.

Russell R. Klages

PROFESSIONAL LAND SURVEYOR
 RUSSELL R. KLAGES
 LIC. NO. 8685



EDGE OF TAR & GRAVEL ROAD

DANIELS AVENUE
 (40' R/W)

THIS SURVEY IS FOR TITLE PURPOSES ONLY; IT IS NOT INTENDED FOR USE IN THE ESTABLISHMENT OF PROPERTY LINES.

THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS-OF-WAY AND/OR COVENANTS OF RECORD.



HOUSE LOCATION PLAT FOR
 #1208 DANIELS AVENUE
 LOTS 33-36 & WEST-HALF LOT 32-BLK. 4-PLAT 4
 CATONSVILLE MANOR-PLAT BOOK W.P.C. #65160

1 ST. ELECTION DISTRICT BALTIMORE COUNTY, MD.

SCALE: 1"=20'
 DATE: 12-28-84 THE SUGARMAN ORGANIZATION
 120 JUDGES LANE-TOWSON, MD.

Plot Ex 4

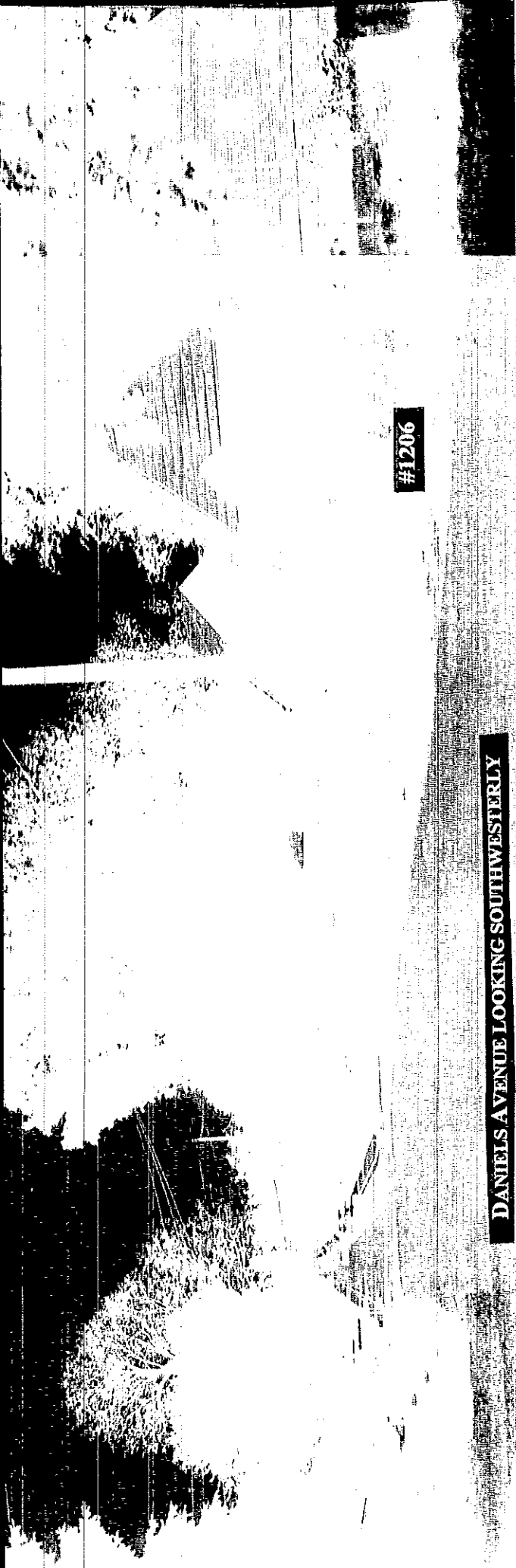
**SITE PHOTOS
TO ACCOMPANY SPECIAL HEARING
FOR**

**1208 DANIELS AVENUE
ELECTION DISTRICT NO. 1
COUNCILMANIC DISTRICT NO. 1
BALTIMORE COUNTY, MARYLAND**

Date of Photos: May 11, 1998

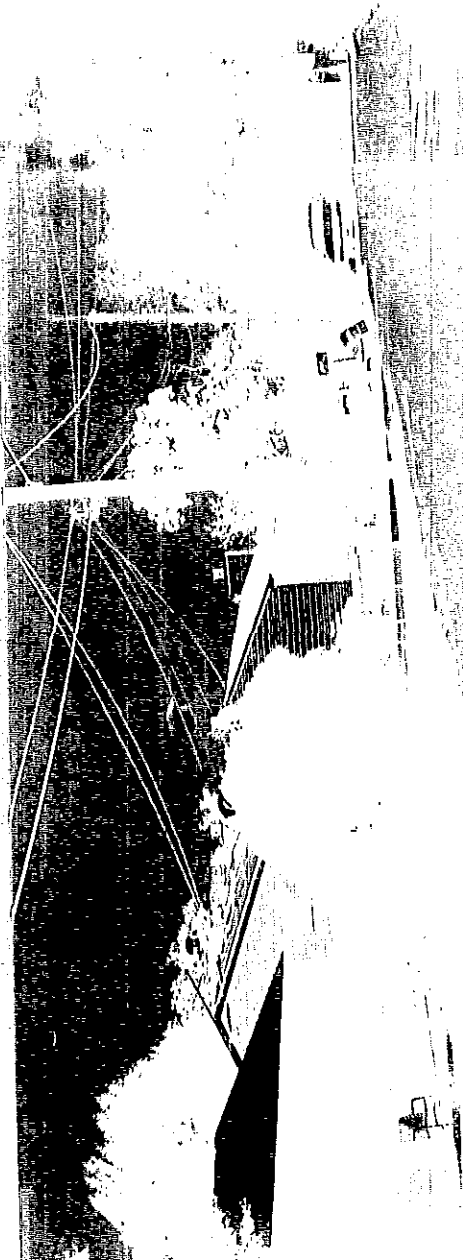
Prepared by
**H. Malmud & Associates, Inc.
100 Church Lane
Baltimore, Maryland 21208
Telephone 410 653-9511**

Pat Ex 2



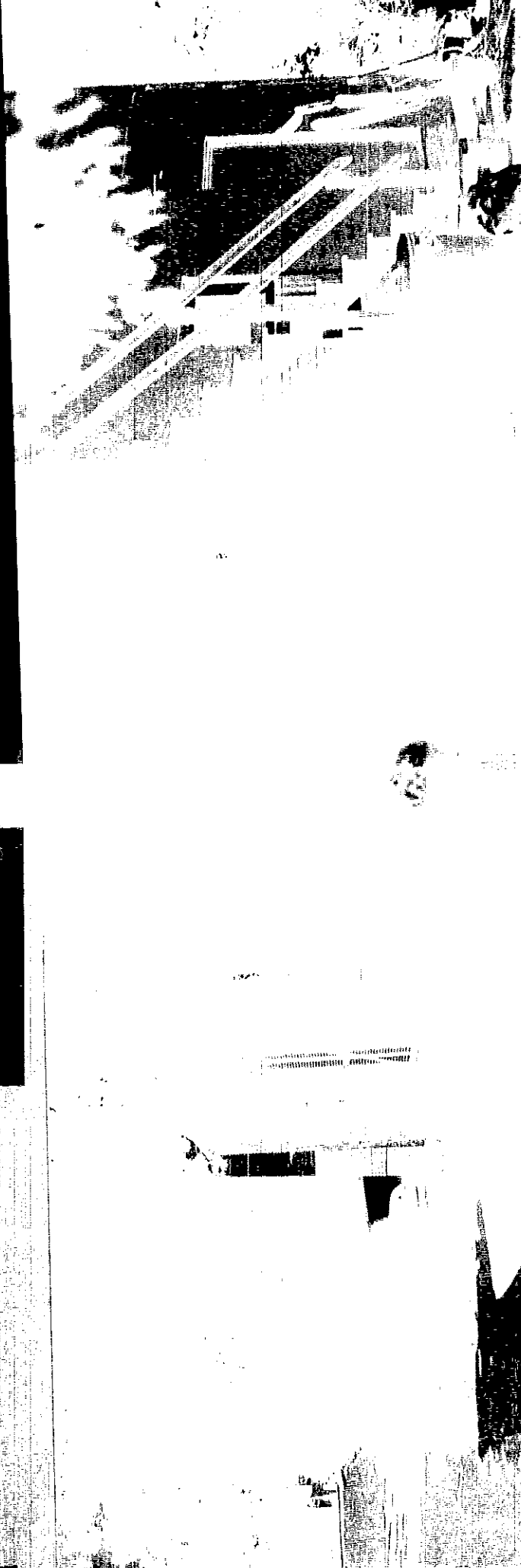
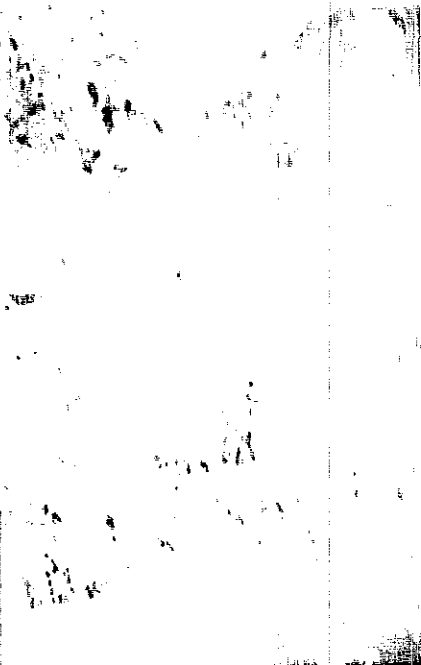
#1206

DANIELS AVENUE LOOKING SOUTHWESTERLY



#1212

DANIELS AVENUE LOOKING NORTHEASTERLY



NORTHEAST SIDE



1208 DANIELS AVENUE

NORTHWEST SIDE

